THE HON'BLE SMT JUSTICE T. MEENA KUMARI

And

THE HON'BLE SRI JUSTICE P LAKSHMANA REDDY

WRIT PETITION No. 29635 OF 1998

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Dated: 27-09-2005

Between

1. Principal, Police Training College,

Warangal at Mamnoor

And two others ..Petitioners

And

1. Md. Mahmood Ali, s/o. Basheeruddin

And 16 others

..Respondents

THE HONOURABLE SMT JUSTICE T. MEENA KUMARI

And

THE HONOURABLE SRI JUSTICE P LAKSHMANA REDDY

WRIT PETITION No. 29635 OF 1998

ORDER (per the Hon'ble Smt Justice T Meena Kumari)**:**

01. Having aggrieved by the Order dated 23.09.1997 in O.A. No. 1770/1996 on the file of A.P. Administrative Tribunal, Hyderabad, the respondents therein preferred this writ petition seeking a writ of Mandamus to declare the same as illegal, arbitrary and opposed to Rules.

02. The petitioners are the respondents and the respondents herein are the applicants before the A.P. Administrative Tribunal (for short Tribunal):

03. For the sake of convenience, the parties are referred to as arrayed in the O.A. The applicants filed the above O.A., questioning the orders dated 1.2.1995 and 3.2.1996 in Rc.No.783/B1/95 of the 1st respondent directing them to occupy the quarter allotted to them and also refusing to pay H.R.A on the ground that they did not occupy the quarters already allotted to them. The applicants are in the cadre of Circle Inspector, Sub-Inspector and Assistant Sub- Inspectors and are working as Law Instructors on deputation in Police Training College, Warangal, It is their further case that they obtained loans from Housing Corporation, L I C, etc., and constructed own houses in Warangal town. While so, the 1st respondent issued proceedings dt. 1-2-1996 allotting various types of quarters to them and directing them to join on or before 5-2-1996. It was also mentioned in that proceedings that they will not be paid the H.R.A from 5.2.96 onwards. Aggrieved by the same, they filed a representation to the 1st respondent herein, but the same was rejected. It is also stated that since they are entitled rent free quarters, the refusal to occupy free quarters cannot be taken as a ground for denying the normal house rent and thus the action of the respondents is unreasonable. It is also stated that the quarter are not inhabitable. Hence, they filed the O.A.

04. The case of the respondents before the Tribunal was that their quarters are constructed at the request of the employees only by the Police Housing Corporation and they are type design quarters and as the quarters are new, they are habitable and the assertion of the applicants that the quarters are inhabitable is not correct.

05. The Tribunal, after considering the rival contentions, allowed the O.A. A perusal of the impugned order goes to show that the Tribunal had observed that F.R.45 deals with the allotment of quarters and in the absence of any power compelling the Government servants to stay in the government quarters, the respondents cannot force the applicants to occupy the quarters and deny them the H.R.A., and quashed

the impugned orders dated 1-2-1996 and 3-2-1996 of the first respondent. The Tribunal also observed that the applicants relied upon the U.O. Note No. 31576-B/1009/ A&L/80-1 dated 6-8-1990 directing all the departments that the persons who have constructed their own houses by taking house building advances and loans maybe allowed to vacate the government quarters. Thus, in view of the cogent reasons assigned by the Tribunal, we do not find any ground to interfere with the same.

06. Accordingly, the writ petition is dismissed. No costs.

T. MEENA KUMARI, J

Dt. 27.9.2005

P. LAKSHMANA REDDY, J

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WRIT PETITION No. 29635 OF 1998

(per the Hon'ble Smt Justice T Meena Kumari):

27th September 2005